



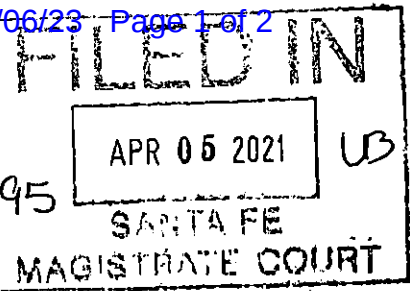
CRIMINAL COMPLAINT

STATE OF NEW MEXICO

SANTA FE COUNTY
MAGISTRATE CITY
IN THE MAGISTRATE COURT

CASE # 2021-002918

M-49-VM-2021-00095



- VS -

Name: ZIRPEL BRIAN
Address: [REDACTED]
City/Zip: SANTA FE NM 87507
D.O.B.: [REDACTED] 1992
S.S.N.: [REDACTED]
Height: 5' 05" Weight: 125 lbs
Hair: Brown - BRO
Eyes: Brown - BRO

STN #:

Arrest Date:

Driver Lic. #:

Citation #:

Arrest #:

Docket #:

Date Filed: 03/30/2021

The undersigned, under penalty of perjury, complains and says that on or about 03/30/2021, In the County/City of SANTA FE/SANTA FE, State of New Mexico, the above named Defendant(s) did:

Contrary to Section 30-03-12(A)(2) NMSA 1978.

Charge Code 2097

CRIME: ASSAULT AGAINST A HOUSEHOLD MEMBER

(Common name of Offense or Offenses)

Contrary to Section 30-12-01 NMSA 1978.

Charge Code 1994

CRIME: INTERFERENCE WITH COMMUNICATIONS

(Common name of Offense or Offenses)

COUNT I-INTERFERENCE WITH COMMUNICATIONS

THE ABOVE-NAMED DEFENDANT DID KNOWINGLY AND WITHOUT LAWFUL AUTHORITY DISPLACE, REMOVE, INJURE OR DESTROY A TELEPHONE LINE, WIRE, CABLE, POLE OR CONDUIT BELONGING TO PAULINE MADRID, OR THE MATERIAL OR PROPERTY APPURTENANT THERETO, WITHOUT THE CONSENT OF PAULINE MADRID WHO OWNED, POSSESSED OR CONTROLLED SUCH PROPERTY, OR PREVENTED, OBSTRUCTED OR DELAYED THE SENDING, TRANSMITTING, CONVEYING OR DELIVERING IN THIS STATE OF ANY MESSAGE, COMMUNICATION OR REPORT BY OR THROUGH TELEGRAPH OR TELEPHONE, A MISDEMEANOR, CONTRARY TO NMSA 1978, SECTION 30-12-1 (1979).

COUNT II-ASSAULT AGAINST A HOUSEHOLD MEMBER

THE ABOVE-NAMED DEFENDANT BY ANY UNLAWFUL ACT, THREAT OR MENACING CONDUCT DID CAUSE PAULINE MADRID, A HOUSEHOLD MEMBER OF THE DEFENDANT, TO REASONABLY BELIEVE SHE WAS IN DANGER OF RECEIVING AN IMMEDIATE BATTERY, A PETTY MISDEMEANOR, CONTRARY TO NMSA 1978, SECTION 30-3-12(A)(2) (1995).

STATEMENT OF FACTS

ON MARCH 30, 2021, AT 0845 HOURS, SANTA FE POLICE WERE REQUESTED TO 1489 ZEPOL ROAD, APARTMENT 203, THE VISTA ALEGRE APARTMENTS, SANTA FE NM, IN REFERENCE TO A DOMESTIC DISPUTE IN PROGRESS. SANTA FE REGIONAL DISPATCH ADVISED THAT THE CALL HAD BEEN DISCONNECTED AFTER THE FEMALE PARTY HAD GIVEN THE SUSPECT'S NAME, BRIAN ZIRPEL, AND STATED THAT SHE HAD BEEN STRUCK IN THE HEAD. SANTA FE REGIONAL DISPATCH ADVISED THAT THERE WAS HISTORY AT THE ADDRESS WITH THE SAME CALLER AND SUSPECT INVOLVING STRANGULATION IN NOVEMBER OF 2020. UPON A SEARCH THROUGH MY COMPUTER AIDED DISPATCH AND REPORTING SYSTEM (OSMCT) OF MR. ZIRPEL'S NAME I FOUND THAT HE HAD A FELONY ARREST WARRANT FOR AGGRAVATED BATTERY AGAINST A HOUSEHOLD MEMBER (GREAT BODILY HARM).

BECAUSE OF THE HISTORY AT THE LOCATION AND NATURE OF THE CALL WHEN NO ONE ANSWERED THE DOOR AT THE LOCATION A KEY WAS OBTAINED FROM THE OFFICE TO CHECK THE APARTMENT. UPON ENTERING THE APARTMENT I MADE CONTACT WITH THE VICTIM/REPORTING PARTY, P [REDACTED] M [REDACTED] DATE OF BIRTH [REDACTED] 1992, WHO DID NOT APPEAR TO BE INJURED. SHE ADVISED THAT MR. ZIRPEL HAD LEFT THE RESIDENCE AND SANTA FE POLICE OFFICER CESAR ORNELAS (BADGE #318) AND I CHECKED THE RESIDENCE FOR MR. ZIRPEL WHO WAS NOT LOCATED.

MS. M [REDACTED] STATED THAT SHE WAS UNINJURED AND STATED THAT SHE HAD NOT BEEN HIT BY MR. ZIRPEL. SHE TOLD ME THAT ON THIS DATE MR. ZIRPEL HAD BEEN SITTING AROUND SMOKING MARIJUANA AND SHE NEEDED HELP WITH HOUSE CHORES. SHE TOLD HIM THAT IF HE DIDN'T WANT TO BE PRODUCTIVE HE NEEDED TO LEAVE THE RESIDENCE SO THAT SHE COULD WORK ON CLEANING THE APARTMENT. MR. ZIRPEL BECAME UPSET AND A VERBAL ARGUMENT ENSUED. DURING THE ARGUMENT MS. M [REDACTED] ASKED MR. ZIRPEL TO HELP HER WITH THE TURTLE CAGE. SHE NEEDED TO EMPTY THE WATER IN THE BATHTUB. WHILE THEY WERE STANDING IN THE ENTRANCE TO THE BATHROOM MOVING THE TURTLE CAGE MR. ZIRPEL BECAME IRATE AND STARTED SCREAMING AT MS. M [REDACTED]. MS. M [REDACTED] DEMONSTRATED THAT MR. ZIRPEL HAD BEEN IN THE ENTRANCE TO THE BATHROOM AND SHE HAD BEEN IN THE BEDROOM/LIVING AREA. MS. M [REDACTED] TOLD ME THAT WHAT TYPICALLY OCCURS WHEN MR. ZIRPEL BEGINS SCREAMING AT HER IS THAT HE WILL SUDDENLY PHYSICALLY ATTACK HER. SHE SAID THAT WHEN HE ATTACKS HER SHE'LL GET ON THE FLOOR IN A BALL WHILE HE KICKS AND PUNCHES HER. MS. M [REDACTED] STATED THAT SHE WAS IN FEAR OF BEING ATTACKED BASED ON HIS PREVIOUS BEHAVIOR AND WHAT USUALLY INDICATES VIOLENCE IS IMMINENT AND SO SHE CALLED 911 BEFORE HE COULD ATTACK HER.

WHILE MS. M [REDACTED] WAS CALLING 911 MR. ZIRPEL TOOK THE PHONE FROM MS. M [REDACTED] AND PRESUMABLY DISCONNECTED THE CALL.

SHE STATED THAT SHE HAD NOT DISCONNECTED THE CALL HERSELF AND IT BECAME DISCONNECTED EITHER IN THE PROCESS OF MR. ZIRPEL TAKING IT AWAY, OR HE DISCONNECTED THE CALL ONCE HE HAD THE PHONE.

MR. ZIRPEL WAS NOT LOCATED THIS DATE. DUE TO THE FACT THAT HE ALREADY HAS AN ACTIVE FELONY WARRANT I AM REQUESTING THAT A SUMMONS BE ISSUED ON THE NEW CHARGES OF INTERFERENCE WITH COMMUNICATIONS AND ASSAULT AGAINST A HOUSEHOLD MEMBER.

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE, SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Complainant *Dianna Conklin*

Name CONKLIN, DIANNA

Title(if any) 8121

Agency(if any) SANTA FE POLICE DEPARTMENT

This complaint may not be filed without the prior payment of a filing fee, unless approved by the District Attorney or a law enforcement officer authorized to serve an Arrest or Search Warrant. Approval of the district attorney or a law enforcement officer is not otherwise required.

Approved *Robert Rodriguez*

DISTRICT ATTORNEY OR LAW ENFORCEMENT OFFICER

[As amended, approved by the Supreme Court of New Mexico, effective September 1, 1990; April 1, 1991; November 1, 1991.]

If Probable Cause Determination required:

- ☐ Probable Cause Found
- ☐ Probable Cause Not Found, and Defendant Released from Custody

Judge _____

Date _____

Time _____

[As amended, effective September 1, 1990; April 1, 1991; November 1, 1991; as amended by Supreme Court Order No.13-8300-020, effective for all cases pending or filed on or after December 31, 2013.]